



## Department of Energy

Official File

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

CORPORATE

March 22, 2005

In reply refer to: KDP-7

Ms. Norma S. Ninomiya  
Law Offices  
500 E. Broadway  
Suite 425  
Vancouver, Washington 98660  
(360) 750-9308

RE: FOIA Request #05-028

Dear Ms. Ninomiya:

This letter responds to your Freedom of Information Act (FOIA) request dated February 17, 2005, designated as FOIA log #05-028. In your letter, you requested the following:

1. Copies of all documents in Bonneville Power Administration's (BPA's) possession relating to the contract(s) applicable to Central Oregon Logging spraying operations near the Brehm property.

Response:

The contract and related documents you requested are enclosed in entirety, with the exception of Attachment 1 to the contract. Attachment 1 to the contract is part of the solicitation instructions. Solicitations are kept for 90 days and then destroyed; therefore, Attachment 1 to the contract no longer exists.

2. Copies of all studies in BPA's possession or control regarding testing of the vegetation or soil on or around the Brehm's property after June 10, 2002.

Response:

Enclosed in entirety are all agency records in response to this request.

3. Copies of all correspondence with the Brehms or their representatives, and all contractors doing spraying on or around the Brehms or their representatives, and all contractors doing spraying on or around the Brehm's property in 2002 and subsequently.

Response:

Enclosed in entirety are all agency records in response to this request.

4. Copies of any other correspondence regarding any spraying activities or alleged damages from spraying activities on or around the Brehm's property from 2002 until the present.

Response:

BPA does not interpret your request for correspondence to include solely internal e-mails between BPA staff members that discuss potential claim strategies. However, BPA does interpret your request to include e-mails between BPA and outside individuals, including but not limited to the Brehms, their representatives, and/or any contractors doing spraying on or around the Brehm's property during this time period. BPA has located an e-mail exchange between BPA and Mr. Brehm. This e-mail is enclosed in response to request item 3. There were no e-mails located between BPA and outside individuals in response to request item 4.

If you are dissatisfied with this determination, you may make an appeal within thirty (30) days of your receipt of this letter to Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, Washington, D.C., 20585. Both the envelope and letter must clearly be marked "Freedom of Information Act Appeal."

In your original letter you agreed to pay fees to fulfill your request. Costs to complete your request totaled \$143.62 for search, review and copy. You will be billed for this amount under separate cover by our accounting department.

Sincerely,

Annie Eissler  
Freedom of Information Act Officer